

USDA specifically argues that the procedural rule exception applies because the 2016 Tongass Amendment does not substantially affect the rights or obligations of non-agency parties. At issue in *Ohio Forestry Ass'n* was a Sierra Club challenge to a Land Resource Management Plan for Ohio's Wayne National Forest on the ground that the plan permitted too much logging and clearcutting. The question decided was whether the rights asserted by the Sierra Club in challenging the plan were ripe for judicial review. The Court explained that the purpose of the ripeness doctrine is:

"to prevent the courts, through avoidance of premature adjudication, from entangling themselves in abstract disagreements over administrative policies, and also to protect the agencies from judicial interference until an administrative decision has been formalized and its effects felt in a concrete way by the challenging parties."

The court held that the rights asserted by the Sierra Club were not yet ripe for review, and that there would be later stages in the forest management process when plaintiffs could assert those rights to challenge the Forest Service's decisions.

The issue we decide here, however, is not whether rights asserted by a party to challenge the Amendment are ripe for judicial review. The question here is whether the 2016 Tongass Amendment has a substantial impact on the regulated community such that it is a substantive rather than a procedural rule for purposes of CRA. We have concluded that it has such an impact and thus is a substantive rule. The Supreme Court's decision is inapposite for CRA purposes, since it is Congress' exercise of the review procedures in CRA that is in issue, not the ripeness of a party's right to bring suit challenging administrative action.

#### CONCLUSION

The 2016 Tongass Amendment is a rule for CRA purposes as it meets the definition of the term "rule" under APA, and none of the CRA exceptions apply.

If you have any questions about this opinion, please contact Robert Cramer, Associate General Counsel, at (202) 512-7227.

Sincerely yours,

SUSAN A. POLING,  
General Counsel.

#### HONORING OUR ARMED FORCES

GUNNERS MATE THIRD CLASS JOSEPH GUIO, JR.

Mr. MANCHIN. Mr. President, today I wish to honor Joseph Guio, Jr., a hero who made the ultimate sacrifice saving the lives of his fellow crewmembers aboard the USS *Monaghan* during World War II.

Gunnery Mate Third Class Guio was one of the hundreds of men who were lost at sea during Typhoon Cobra, which struck Task Force-38 in December of 1944. Task Force-38 consisted of 7 fleet carriers, 6 escort carriers, 8 battleships, 15 cruisers, and 50 destroyers that had been operating in the Philippine Sea conducting air raids against Japanese airfields.

Survivors of the event reported that Joe freed a raft from the sinking ship and was injured in the process. Regardless, he continued to pull his fellow men to the safety of the raft and saved many lives. Aboard the raft, his grateful comrades tried to comfort Joe in his last moments, and he thanked them for doing so before he passed on.

When the *Monaghan* sank, 256 crewmembers were lost. Twenty held on to the raft for some time, but after days at sea, exhausted, injured, and struggling against 50-foot waves, that number dwindled to six. The USS *Brown* rescued the six survivors 3 days later.

Joe's body was never recovered, but his name is inscribed on the Tablets of the Missing at the American Cemetery and Memorial in Manila, Philippines. He was 25 years old.

Born in Hollidays Cove in beautiful Hancock County, WV, no one would have expected less from Joe. He died as he lived, helping others with the utmost respect for our home State and our Nation.

West Virginia is great because our people are great—Mountaineers who will always be free. In fact, when visitors come to West Virginia, I jump at the chance to tell them about our wonderful State. We have more veterans per capita than most any State in the Nation. We have fought in more wars, shed more blood, and lost more lives for the cause of freedom than most any State. We have always done the heavy lifting and never complained. We have mined the coal and forged the steel that built the guns, ships, and factories that have protected and continue to protect our country. I am so deeply proud of what our citizens have accomplished and what they will continue to accomplish in the days and years ahead. It is with utmost gratitude that I recognize Joseph Guio, Jr., and all the servicemembers of today and yesterday.

Additionally, I am honored to recognize Joe's family who have kept his legacy alive—his nephew, Gary Guio, his great-nephews, Mark and David, and the entire family, the Northern Panhandle community, and the surviving crewmembers who have never forgotten Joe's legacy of service and heroism.

#### NATIONAL FOREST PRODUCTS WEEK

Ms. STABENOW. Mr. President, in recognition of National Forest Products Week, I would like to commend the more than 27,000 men and women who work in the forest products sector in my home State of Michigan.

Taken together, Michigan is home to nearly 200 forest products facilities that run the gamut, from furniture manufacturing to paper mills. With yearly salaries of over \$1.4 billion, these facilities represent one of our State's most significant manufacturing sectors.

Paper and forest products play a vital role in our domestic economy and benefit every American as they go about their daily lives. Additionally, wood construction is an innovative form of climate protection because wood oftentimes replaces competing building materials that require sizeable amounts of fossil fuels to produce. Moreover, wood lowers a building's carbon footprint because it continues to hold carbon absorbed during the growth of the tree, keeping that pollution out of the atmosphere for the life expectancy of the building. As we look to reduce carbon emissions and green our building stock, we ought to look at greater use of innovative wood products in commercial structures.

Similarly, paper and packaging products help all Americans to communicate with each other, teach our kids, and learn new things ourselves. These products preserve and deliver our food, medicine, and other manufactured goods. Whether it is a marriage certificate or a young child's finger painting, these paper products capture some of the most important moments in a person's life. For these reasons and others, I am proud to be a cochair of the Senate's Paper and Packaging Caucus.

I urge all of my Senate colleagues to join me in celebrating National Forest Products Week and to consider the variety of ways this sustainable resource benefits us in our lives. Thank you for the opportunity to recognize the forest products industry's dedicated professionals who work and reside in the great State of Michigan.

#### REMEMBERING FLOYD MCKINLEY SAYRE, JR.

Mrs. CAPITO. Mr. President, I wish to recognize a friend and colleague, Floyd McKinley Sayre, Jr., who recently departed this life. I came to know Floyd many years ago and interacted with him while serving in the West Virginia House of Delegates, U.S. House of Representatives, and the U.S. Senate. Recent testimonies to his life state that he was "a good man by all accounts and lived his life in a pursuit of endeavors he felt were right, good and virtuous." Throughout my friendship with Floyd, I found this to be true.

Floyd was born in Beckley, WV, on July 17, 1930. He graduated from Woodrow Wilson High School before going on to West Virginia University, where he was an active member in the Sigma Nu fraternity. After college, he had a successful military career where he served in the Berlin Brigade in Germany, guarding West Berlin during the Cold War. Upon his return, Floyd started a professional career with the U.S. Chamber of Commerce that eventually brought him home to West Virginia.

Floyd owned and managed Floyd Sayre's Management Consultants and was the first certified professional executive in West Virginia. He worked hard to bring a certification program to the State and mentored many future executives. As a student of West Virginia politics, he understood how to navigate the halls of the State legislature, where he is remembered as a gentleman and forceful advocate for a better West Virginia.

In 1960, Floyd married his wife, Ruth Ellen Thomas, who was his staunch supporter and companion for his entire